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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR      | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|---------------------------|---------------------|------------------|
| 09/824,595  | 04/02/2001  | Randall Scott Springfield | RPS9 2000 0016      | 1231             |
| 47052   | 7590        | 11/23/2005                | EXAMINER            |                  |
| SAWYER LAW GROUP LLP<br>PO BOX 51418<br>PALO ALTO, CA 94303 |             |                           | GYORFI, THOMAS A    |                  |
|   |             |                           | ART UNIT            | PAPER NUMBER     |
|   |             |                           | 2135                |                  |
| DATE MAILED: 11/23/2005                                     |             |                           |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/824,595

Applicant(s)

SPRINGFIELD ET AL.

Examiner

Tom Gyorf

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Claims 1-12 remain for examination.

***Continued Examination Under 37 CFR 1.114***

2. In view of the appeal brief filed 9/23/05, PROSECUTION IS HEREBY REOPENED. New ground(s) of rejection follow below.

***Response to Arguments***

3. Applicant's arguments, see the appeal brief filed 9/23/05, with respect to the rejections of claims 1, 4, 6-9, and 11 under 35 USC 102(e) in view of Grawrock and the rejections of claims 2, 3, 5, 10, and 12 under 35 USC 103(a) in view of Grawrock and Angelo have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made under 35 USC 103(a) in view of Grawrock and Anderson.

***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grawrock (U.S. Patent 6,678,833) and further in view of Anderson (U.S. Patent 6,161,177).

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Referring to Claim 1:

Grawrock discloses a method for evaluating a boot source in a computer system having a processor comprising the steps of: determining the boot source used by the processor each time the computer system boots (col. 3, lines 40-45; col. 4, lines 25-30), and allowing the boot source to be specified once as a known boot source (col. 3, lines 62-67).

It is unclear whether Grawrock discloses further including writing the identity of a boot source. However, Anderson discloses this limitation (col. 3, lines 20-25). It would have been obvious to one of ordinary skill in the art at the time the invention was made to record the identity of a boot source into the invention disclosed by Grawrock, as doing so would rectify a known deficiency in Grawrock, by allowing one to check if a BIOS has been replaced (Grawrock, col. 1, lines 43-47; Anderson, col. 1, lines 13-20).

Regarding claim 2:

Grawrock and Anderson teach the limitations of claim 1 above. In addition, Anderson teaches specifying that the known boot source be a FLASH boot source (col. 4, lines 33-43).

Regarding claim 3:

Grawrock and Anderson teach all the limitations of claim 2 above. In addition, Grawrock further teaches writing the identity of the FLASH boot source in a write-once register which identifies the boot source for future boots (col. 3, lines 40-47).

Regarding claim 4:

Grawrock and Anderson teach the limitations of claim 1 above. In addition, Grawrock also teaches writing the identity of the boot source in a register each time the computer system boots (col. 4, lines 25-30).

Regarding claim 5:

Grawrock and Anderson teach the limitations of claim 1 above. In addition, Anderson teaches checking the boot source determined to ensure that the boot source is the known boot source (col. 3, lines 1-25).

Regarding claim 6:

Grawrock discloses a system for evaluating a boot source in a computer system having a processor coupled with a boot source, the system comprising:

A first register for storing an **identifier** of the boot source used by the processor each time the computer system boots (element 345 of Figure 3; col. 3, lines 40-45; col. 4, lines 25-30); and

a second register for allowing the boot source to be specified once as a known boot source (element 330 of Figure 3; col. 3, lines 62-67).

The Grawrock disclosure is unclear whether the identifier of the boot source recorded in the first register can be said to represent the identity of the boot source as taught by Applicant. However, Anderson teaches that one can record the identity of a boot source so as to distinguish it among multiple BIOSes in a computer system (col. 1,

lines 13-20; col. 3, lines 20-25). It would have been obvious to one of ordinary skill in the art at the time the invention was made to record the identity of a boot source into the invention disclosed by Grawrock, as doing so would rectify a known deficiency in the secure booting system by allowing one to determine if a BIOS has been replaced (Grawrock, col. 1, lines 43-47).

Regarding claim 7:

Grawrock and Anderson teach the limitations of claim 6 above. In addition, Grawrock teaches wherein the computer system includes a bridge coupling the processor with the boot source and wherein the first register and the second register are located in the bridge (col. 3, lines 7-24; Figures 2 and 3).

Referring to Claim 8:

Grawrock and Anderson teach the limitations of claim 7 above. Grawrock further discloses wherein the bridge is a south bridge<sup>1</sup> (element 140 of Figure 1; col. 3, lines 18-24).

Regarding claim 9:

Grawrock and Anderson teach the limitations of claim 6 above. In addition, Grawrock teaches wherein the known boot source is written only once to the second register (col. 3, lines 62-67).

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<sup>1</sup> See previous Office Action regarding the equivalence of a south bridge and I/O controller hub.

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Regarding claim 10:

Grawrock and Anderson teach the limitations of claim 6 above. In addition, Anderson teaches wherein the known boot source is a FLASH boot source (col. 4, lines 33-43).

Regarding claim 11:

Grawrock and Anderson teach the limitations of claim 6 above. In addition, Grawrock teaches wherein the identity of the boot source is capable of checking the boot source stored in the first register to ensure that the boot source is the known boot source (col. 4, lines 25-30).

Regarding claim 12:

Grawrock and Anderson teach the limitations of claim 6 above. In addition, Anderson teaches wherein the processor is capable of boot source stored in the first register to ensure that the boot source is the known boot source (col. 3, lines 1-25).

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- U.S. Patent 6,732,267 issued to Wu et al.
- U.S. Patent 6,170,056 issued to Sidie, Robert J.
- U.S. Patent 6,003,130 issued to Anderson, Eric D.
- U.S. Patent 5,828,888 issued to Kozaki et al.
- Japanese Patent 11327679A issued to Kim et al.
- Japanese Patent 10214183A issued to Eda Hideki

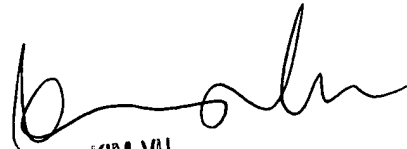
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Gyorfi whose telephone number is (571) 272-3849. The examiner can normally be reached on 8:30am - 5:00pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TAG  
11/17/05



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